

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4266 of 2023

Arising Out of PS. Case No.-674 Year-2022 Thana- RAHUI District- Nalanda

Shravan Kumar Son Of Ravindara Yadav Residents Of Village - Saidi, P.S. -
Rahui, District - Nalanda

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sudhir Paswan Son Of Late Bhola Paswan Residents Of Village - Indvas,
P.S. - Rahui, District - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Singh
For the Respondent/s	:	Ms. Usha Kumari 1 Mr. Mahtab Alam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Notice has not been issued to the respondent no. 2
because he is represented by Mr. Mahtab Alam.

3. This is an appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 01.05.2023 passed by learned Additional
District and Sessions Judge, 6th, Biharshariff, Nalanda, in
connection with Rahui P.S. Case No. 674 of 2022,, in
connection with Rahui P.S. Case No. 674 of 2022 registered



under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3((i)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellant along with other co-accused persons are said to have resorted firing due to which brother of the informant received firearm injury.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that the appellant is not named in the F.I.R., later on his name come during the course of investigation. He further submits that there is no specific overt act against the appellant. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State and learned counsel for the respondent no. 2 opposed payer for anticipatory bail and submitted that the brother of the informant has received one gun shot injury, but also fairly submitted that there is general and omnibus allegation of firing against six named accused persons.

7. Considering the facts and circumstances of the



case, arguments of the parties and there is no specific overt act against the appellant, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 6th, Biharshariff, Nalanda, in connection with Rahui P.S. Case No. 674 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

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